



Commonwealth  
of Massachusetts

## *OCPF Online*

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*Office of Campaign and Political Finance*

*One Ashburton Place, Room 411*

*Boston, MA 02108*

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### Advisory Opinion

March 10, 2006

AO-06-04

Laurence R. Pizer, Town Clerk  
Town Hall – 11 Lincoln Street  
Plymouth, MA 02360-2910

RE: A Mayor for Plymouth Committee

Dear Mr. Pizer:

I am writing in response to your recent request for guidance. You have stated that at the town election on May 13, voters will be asked whether they support the creation of a charter commission. In addition, they will be asked to vote on which candidates should be elected to such commission if it is approved. As of February 10 there were sixteen persons running for nine openings in the commission.

A group, which we understand is called “A Mayor for Plymouth Committee” (“the group”), has formed for the purpose of supporting the formation of a charter commission and promoting a change to a mayoral form of government. The group has not registered with your office as a political committee. The group has received contributions (including a \$2,000 contribution in 2005 from one individual, which amount we understand has mostly been spent) and intends to raise and spend funds to support the formation of a charter commission. In addition to supporting the ballot question, the group supports a slate of candidates for membership in the commission. Specifically, the group supports candidates who share its interest in a mayoral form of government. Eventually, once the commission is formed, the group may also be interested in providing information to the public regarding the issues being addressed by the commission and would lobby the commission.

QUESTION: Would the group need to register as a ballot question committee or political action committee (or both)?

ANSWER: If the group retains funds that were raised from individuals in amounts over \$500 during a calendar year, it must organize a ballot question committee. In addition, it will need to organize a separate PAC if it plans to support candidates.

## DISCUSSION

### 1. Formation of a ballot question committee

A ballot question committee is a political committee “which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters.” *See* M.G.L. c. 55, § 1. Ballot question committees, unlike PACs, may accept contributions in amounts over \$500 during a calendar year from individuals, and may also accept contributions from business corporations. Based on its activities to date, specifically its receipt of contributions over \$500 from individuals, the group has been acting as a ballot question committee and it should register as such.

Because funds raised by ballot question committees are not subject to many of the contribution limits that apply to political action committees or candidate committees, funds raised by ballot question committees may not, as specified in Section 6B, be used to support candidates.

In addition, ballot question committees must dissolve after “a final determination” by the voters on the question for which the committee was organized. *See* M.G.L. c. 55, § 18. Upon dissolution, any residual funds remaining after payment of liabilities must be donated to a charitable or religious entity or other entity specified in the statute.

### 2. Formation of a political action committee

Political action committees are committees organized to support or oppose candidates. *See* M.G.L. c. 55, § 1. Therefore, the group must also organize a PAC if it plans to support candidates.

In addition to making expenditures to support or oppose candidates, a PAC could make expenditures to influence a ballot question if the expenditures are consistent with the principle for which the PAC was formed. A PAC may also make expenditures for other purposes such as lobbying a town legislative body or informing residents of issues of public policy, if the expenditures are consistent with the principle for which the PAC was created. *See* M.G.L. c. 55, § 6.

PACs are subject to a number of restrictions that do not apply to ballot question committees, e.g., PACs may accept no more than \$500 from any individual during a calendar year and may not accept contributions from business corporations. In addition, individuals holding or seeking elective public office may not “establish, finance, maintain, control or serve as a principal officer of a political action committee.”

If a group forms both a PAC and a ballot question committee, each committee must maintain separate accounts and register and file its own periodic campaign finance reports, as specified in Section 18 of the campaign finance law.

A group that makes expenditures for the dual related purposes of (1) influencing a referendum on a charter change, and (2) supporting or opposing candidates for charter commission, may form a single political committee, a PAC, for both purposes, but *only* if the group complies with the restrictions applicable to PACs. If, as in this instance, the group raises funds that do not comply with these limits, e.g., it raises contributions in amounts over \$500 from individuals, it must use a ballot question committee to raise and spend such funds.

The guidance provided in this letter is strictly within the context of the Massachusetts campaign finance law and is provided solely on the basis of the representations made in your letter and conversations with OCPF staff.

Please contact us if you have any further questions. Thank you for your interest in the campaign finance law.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

cc: Ken Buechs, A Mayor for Plymouth Committee  
MJS/gb